

1 Frederick Melms Esq.  
2 SBN 1093957  
3 Melms2010@gmail.com  
4 6329 Spindrift Foam Ave  
5 Las Vegas, Nevada 89139  
6 Telephone: (715) 892-3023

7  
8 *Attorney for Plaintiff*  
9 *Shannon Jensen*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000  
1001  
1002  
1003  
1004  
1005  
1006  
1007  
1008  
1009  
1009  
1010  
1011  
1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026  
1027  
1028  
1029  
1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039  
1039  
1040  
1041  
1042  
1043  
1044  
1045  
1046  
1047  
1048  
1049  
1049  
1050  
1051  
1052  
1053  
1054  
1055  
1056  
1057  
1058  
1059  
1059  
1060  
1061  
1062  
1063  
1064  
1065  
1066  
1067  
1068  
1069  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078  
1079  
1079  
1080  
1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098  
1099  
1099  
1100  
1101  
1102  
1103  
1104  
1105  
1106  
1107  
1108  
1109  
1109  
1110  
1111  
1112  
1113  
1114  
1115  
1116  
1117  
1118  
1119  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
1129  
1130  
1131  
1132  
1133  
1134  
1135  
1136  
1137  
1138  
1139  
1139  
1140  
1141  
1142  
1143  
1144  
1145  
1146  
1147  
1148  
1149  
1149  
1150  
1151  
1152  
1153  
1154  
1155  
1156  
1157  
1158  
1159  
1159  
1160  
1161  
1162  
1163  
1164  
1165  
1166  
1167  
1168  
1169  
1169  
1170  
1171  
1172  
1173  
1174  
1175  
1176  
1177  
1178  
1179  
1179  
1180  
1181  
1182  
1183  
1184  
1185  
1186  
1187  
1188  
1189  
1189  
1190  
1191  
1192  
1193  
1194  
1195  
1196  
1197  
1198  
1199  
1199  
1200  
1201  
1202  
1203  
1204  
1205  
1206  
1207  
1208  
1209  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216  
1217  
1218  
1219  
1219  
1220  
1221  
1222  
1223  
1224  
1225  
1226  
1227  
1228  
1229  
1229  
1230  
1231  
1232  
1233  
1234  
1235  
1236  
1237  
1238  
1239  
1239  
1240  
1241  
1242  
1243  
1244  
1245  
1246  
1247  
1248  
1249  
1249  
1250  
1251  
1252  
1253  
1254  
1255  
1256  
1257  
1258  
1259  
1259  
1260  
1261  
1262  
1263  
1264  
1265  
1266  
1267  
1268  
1269  
1269  
1270  
1271  
1272  
1273  
1274  
1275  
1276  
1277  
1278  
1279  
1279  
1280  
1281  
1282  
1283  
1284  
1285  
1286  
1287  
1288  
1289  
1289  
1290  
1291  
1292  
1293  
1294  
1295  
1296  
1297  
1298  
1299  
1299  
1300  
1301  
1302  
1303  
1304  
1305  
1306  
1307  
1308  
1309  
1309  
1310  
1311  
1312  
1313  
1314  
1315  
1316  
1317  
1318  
1319  
1319  
1320  
1321  
1322  
1323  
1324  
1325  
1326  
1327  
1328  
1329  
1329  
1330  
1331  
1332  
1333  
1334  
1335  
1336  
1337  
1338  
1339  
1339  
1340  
1341  
1342  
1343  
1344  
1345  
1346  
1347  
1348  
1349  
1349  
1350  
1351  
1352  
1353  
1354  
1355  
1356  
1357  
1358  
1359  
1359  
1360  
1361  
1362  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1369  
1370  
1371  
1372  
1373  
1374  
1375  
1376  
1377  
1378  
1379  
1379  
1380  
1381  
1382  
1383  
1384  
1385  
1386  
1387  
1388  
1389  
1389  
1390  
1391  
1392  
1393  
1394  
1395  
1396  
1397  
1398  
1399  
1399  
1400  
1401  
1402  
1403  
1404  
1405  
1406  
1407  
1408  
1409  
1409  
1410  
1411  
1412  
1413  
1414  
1415  
1416  
1417  
1418  
1419  
1419  
1420  
1421  
1422  
1423  
1424  
1425  
1426  
1427  
1428  
1429  
1429  
1430  
1431  
1432  
1433  
1434  
1435  
1436  
1437  
1438  
1439  
1439  
1440  
1441  
1442  
1443  
1444  
1445  
1446  
1447  
1448  
1449  
1449  
1450  
1451  
1452  
1453  
1454  
1455  
1456  
1457  
1458  
1459  
1459  
1460  
1461  
1462  
1463  
1464  
1465  
1466  
1467  
1468  
1469  
1469  
1470  
1471  
1472  
1473  
1474  
1475  
1476  
1477  
1478  
1479  
1479  
1480  
1481  
1482  
1483  
1484  
1485  
1486  
1487  
1488  
1489  
1489  
1490  
1491  
1492  
1493  
1494  
1495  
1496  
1497  
1498  
1499  
1499  
1500  
1501  
1502  
1503  
1504  
1505  
1506  
1507  
1508  
1509  
1509  
1510  
1511  
1512  
1513  
1514  
1515  
1516  
1517  
1518  
1519  
1519  
1520  
1521  
1522  
1523  
1524  
1525  
1526  
1527  
1528  
1529  
1529  
1530  
1531  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547  
1548  
1549  
1549  
1550  
1551  
1552  
1553  
1554  
1555  
1556  
1557  
1558  
1559  
1559  
1560  
1561  
1562  
1563  
1564  
1565  
1566  
1567  
1568  
1569  
1569  
1570  
1571  
1572  
1573  
1574  
1575  
1576  
1577  
1578  
1579  
1579  
1580  
1581  
1582  
1583  
1584  
1585  
1586  
1587  
1588  
1589  
1589  
1590  
1591  
1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1599  
1600  
1601  
1602  
1603  
1604  
1605  
1606  
1607  
1608  
1609  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626  
1627  
1628  
1629  
1629  
1630  
1631  
1632  
1633  
1634  
1635  
1636  
1637  
1638  
1639  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1699  
1700  
1701  
1702  
1703  
1704  
1705  
1706  
1707  
1708  
1709  
1709  
1710  
1711  
1712  
1713  
1714  
1715  
1716  
1717  
1718  
1719  
1719  
1720  
1721  
1722  
1723  
1724  
1725  
1726  
1727  
1728  
1729  
1729  
1730  
1731  
1732  
1733  
1734  
1735  
1736  
1737  
1738  
1739  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1769  
1770  
1771  
1772  
1773  
1774  
1775  
1776  
1777  
1778  
1779  
1779  
1780  
1781  
1782  
1783  
1784  
1785  
1786  
1787  
1788  
1789  
1789  
1790  
1791  
1792  
1793  
1794  
1795  
1796  
1797  
1798  
1799  
1799  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1819  
1820  
1821  
1822  
1823  
1824  
1825  
1826  
1827  
1828  
1829  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1849  
1850  
1851  
1852  
1853  
1854  
1855  
1856  
1857  
1858  
1859  
1859  
1860  
1861  
1862  
1863  
1864  
1865  
1866  
1867  
1868  
1869  
1869  
1870  
1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889  
1889  
1890  
1891  
1892  
1893  
1894  
1895  
1896  
1897  
1898  
1899  
1899  
1900  
1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1

1 motion is made based on the Declaration of Shannon Jensen, the Complaint for Declaratory and  
2 Injunctive Relief, the attached Exhibits including the report of Doctor Ramzy Rimawi M.D., and  
3 the Memorandum of Points and Authorities.

4

5 **I. INTRODUCTION**

6 The instant case stems from the May 12, 2021, decision by the Waukesha Board of  
7 Education (Hereinafter “BOARD”) to remove many of the Covid-19 mitigation measures from  
8 School District of Waukesha (Hereinafter “WSD”) Schools. Most importantly, the WSD removed  
9 the requirement that students, staff, faculty and visitors wear face masks while in their schools.  
10 This decision was reckless and made without considering the safety of students or the  
11 community, and in direct defiance of the recommendations from the Centers for Disease Control  
12 and the Wisconsin Department of Public Instruction. See Exhibit 1 (Report of Doctor Ramzy  
13 Rimawi M.D.).

14 The WSD was not alone in their decision to remove covid mitigation strategies from their  
15 schools for the 2021-2022 school however, many school districts around the state of Wisconsin  
16 decided to make similar decisions. The failure of school districts to fulfill their duties under the  
17 Fourteenth Amendment to the Constitution of United States and laws of Wisconsin is currently  
18 and will continue to irreparably injure students and the community by causing illness and death.

19 Plaintiff respectfully requests a temporary restraining order (“TRO”) to avoid further harm. In  
20 the instant case, Plaintiff is likely to succeed on the merits because Defendants’ failure to  
21 implement covid-19 mitigation measures violates the Constitution and constitutes a public  
22 nuisance. Should emergency relief not be granted, Plaintiff and students throughout the state of  
23 Wisconsin face irreparable harm in the form of illness and death caused by the Covid-19 virus. By  
24 contrast, neither Defendants nor the public would be harmed by a TRO forcing the implementation  
25 of the universal masking policy recommended by both the Centers for Disease Control and  
26 Wisconsin Department of Public Instruction.

27

28

1                   **II. FACTUAL HISTORY OF THE CASE**

2                   COVID-19 also known as COVID and the coronavirus, is a contagious disease caused by  
3 severe acute respiratory syndrome coronavirus 2 or (SARS-CoV-2). The virus has an incubation  
4 period between two and fourteen days and is highly contagious and deadly see Exhibit 1 (Doctor  
5 Ramzy Rimawi M.D.). Covid-19 can cause a myriad of symptoms ranging from a fever or chills, a  
6 cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, a headache, a loss  
7 of taste or smell, a sore throat, congestion or runny nose, nausea or vomiting, diarrhea, organ  
8 failure, and respiratory failure. See Exhibit 2, (Covid-19 Symptoms).

9                   The Covid-19 pandemic drastically changed the K-12 schooling during the Spring of 2020.  
10 All Wisconsin schools were shut down by order of Governor Evers and most students were taught  
11 virtually. See Exhibit 3, (Emergency Orders).

12                   On August 10, 2021, the Wisconsin Department of Public Instruction (hereinafter “DPI”)  
13 released a publication entitled COVID-19 Infection Control and Mitigation Measures for  
14 Wisconsin Schools 2021/2022. See Exhibit 4. In the COVID-19 Infection Control and Mitigation  
15 Measures for Wisconsin Schools 2021/2022, the Wisconsin Department of Public Instruction  
16 makes several recommendations for steps Wisconsin schools should take to limit the spread of  
17 Covid-19. Specifically, the DPI recommends that schools encourage children and staff who have  
18 been exposed to COVID-19 to stay home and get tested, encourage good hand hygiene, promote  
19 vaccination to eligible students and staff, maintain a policy of physical distancing between  
20 students and staff, limit non-essential visitation to the schools, establish contact tracing programs,  
21 improve ventilation where possible and disinfect surfaces within the school on a daily basis.  
22 Finally, the DPI recommends that all Wisconsin schools institute mandatory masking policies for  
23 students and staff.

24                   On August 5, 2021, the Centers for Disease Control (hereinafter “CDC”) published their  
25 most recent Guidance for COVID-19 Prevention in K-12 Schools. See Exhibit 5. The CDC also  
26 recommends that schools encourage children and staff who have been exposed to COVID-19 to  
27 stay home and test, encourage good hand hygiene, promote vaccination to eligible students and  
28 staff, maintain a policy of physical distancing between students and staff, limit non-essential

1 visitation to the schools, establish contact tracing programs, improve ventilation where possible  
2 and disinfect surfaces within the school on a daily basis. The CDC also recommends that schools  
3 implement universal masking policies.

4 During the Spring of 2020, The School District of Waukesha held classes remotely, this  
5 policy continued to varying degrees into the 2020-2021 School year, but on October 14, 2020, the  
6 BOARD voted to begin to return children to full time in person schooling. See Exhibit 6 (October  
7 14 School Board minutes). In order to keep their students safe from Covid-19, the Waukesha  
8 School district had a robust Covid-19 mitigation strategy that included mandatory masking.  
9 During the 2020-2021 School year BR and his two siblings attended Rose Glen Elementary  
10 School which had several different Covid-19 infection mitigation strategies in place. These  
11 strategies included universal masking, regular body temperature checks, and plexiglass dividers.  
12 See Exhibit 7, (Declaration of Shannon Jensen).

13 On May 12, 2021, The Board of Education for the School District of Waukesha voted to  
14 end many of their Covid-19 mitigation policies, including their universal masking requirement.  
15 See Exhibit 8, (May 12, 2021, School board minutes). When the 2021-2022 School year began,  
16 BR returned to school and wore a mask daily. Many of BR's classmates chose not to wear masks  
17 to school, however. Then, on September 16, 2021, one of BR's classmates came to school with  
18 Covid-19 symptoms. The following day, on September 17, 2021, that same student visited the  
19 school nurse twice and was eventually sent home due to his Covid-19 symptoms. BR was seated  
20 next to his sick classmate on both days. BR's sick classmate did not wear a mask to school. On  
21 September 19, 2021, BR became symptomatic and tested positive for Covid-19. Unfortunately, on  
22 September 18 and 19, 2021, BR attended multiple community events likely spreading Covid-19 to  
23 members of the community.

24 **III. MEMORANDUM OF POINTS AND AUTHORITIES**

25 **Temporary Restraining Order Standard**

26 "The court may issue a temporary restraining order without written or oral notice to the  
27 adverse party or its attorney only if: specific facts in an affidavit or a verified complaint clearly  
28 show that immediate and irreparable injury, loss, or damage will result to the movant before the

1 adverse party can be heard in opposition; and the movant's attorney certifies in writing any efforts  
2 made to give notice and the reasons why it should not be required" Fed. R. Civ. P. 65.

3 "Fed. R. Civ. P. 65 "A plaintiff seeking a preliminary injunction must establish that he is  
4 likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
5 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the  
6 public interest. See *Munaf v. Geren*, 553 U.S. 674, 689-690, 128 S.Ct. 2207, 2218-2219, 171  
7 L.Ed.2d 1 (2008); *Amoco Production Co. v. Gambell*, 480 U.S. 531, 542, 107 S.Ct. 1396, 94  
8 L.Ed.2d 542 (1987); *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311-312, 102 S.Ct. 1798, 72  
9 L.Ed.2d 91 (1982)". *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). "In *Winter*  
10 *v. Nat. Res. Def. Council, Inc.* , 555 U.S. 7, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008), the Court  
11 stated that "[a] plaintiff seeking a preliminary injunction must establish that he is likely to succeed  
12 on the merits." *Id.* at 20, 129 S.Ct. 365 (emphasis added). Similarly, when discussing the requisite  
13 showing to establish irreparable injury, the Court explained that its standard "requires plaintiffs  
14 seeking preliminary relief to demonstrate that irreparable injury is likely in the absence of an  
15 injunction." *Mays v. Dart*, 974 F.3d 810, 822 (7th Cir. 2020). "If a plaintiff makes such a  
16 showing, the court proceeds to a balancing analysis, where the court must weigh the harm the  
17 denial of the preliminary injunction would cause the plaintiff against the harm to the defendant if  
18 the court were to grant it. *Courthouse News Serv.* , 908 F.3d at 1068. This balancing process  
19 involves a "sliding scale" approach: the more likely the plaintiff is to win on the merits, the less  
20 the balance of harms needs to weigh in his favor, and vice versa. *Ty, Inc. v. Jones Grp., Inc.* , 237  
21 F.3d 891, 895 (7th Cir. 2001). Mandatory preliminary injunctions—those "requiring an affirmative  
22 act by the defendant"—are "ordinarily cautiously viewed and sparingly issued." *Graham v.*  
23 *Medical Mut. of Ohio* , 130 F.3d 293, 295 (7th Cir. 1997) ; see also *Pashby v. Delia* , 709 F.3d  
24 307, 319 (4th Cir. 2013) (review of a preliminary injunction is "even more searching" when the  
25 injunction is "mandatory rather than prohibitory in nature.") *Mays v. Dart*, 974 F.3d 810, 818 (7th  
26 Cir. 2020). "In balancing the harms , the court also considers the public interest" *Life Spine Inc. v.*  
27 *Aegis Spine, Inc.*, 21-1649, at \*1 (7th Cir. Aug. 9, 2021).

28

1                   **Legal Argument**

2                   a. **Plaintiff is Likely to Succeed on the Merits**

3                   Plaintiff's Complaint for Injunctive and Declaratory relief brings three claims before this  
4 court. First, the Defendants and all school boards and school districts throughout the state of  
5 Wisconsin have a duty to protect BR and all similarly situated students from Covid-19 under the  
6 Fourteenth Amendment as school districts created a risk of infection by bringing students back to  
7 school from virtual learning. Second, the Defendants and all school boards and school districts  
8 throughout the state of Wisconsin have a duty to BR and all similarly situated students under the  
9 Fourteenth Amendment due to the special relationship between students and school districts  
10 created by the circumstances surrounding the Covid-19 pandemic. Finally, the Defendants and all  
11 school boards and school districts throughout the state of Wisconsin have a duty to BR, all  
12 similarly situated students, and the community as a whole to limit the rates of infection within  
13 their schools under the public nuisance doctrine.

14                   i. **Plaintiff's First Claim for Relief.**

15                   Defendants and all similarly situated school districts and school boards owe BR and all  
16 similarly situated students a duty to protect them from Covid-19 under the Fourteenth Amendment  
17 to the Constitution of the United States. "To state a claim for relief under 42 U.S.C. § 1983, a  
18 plaintiff must allege that he or she was deprived of a right secured by the Constitution or the laws  
19 of the United States, and that this deprivation occurred at the hands of a person or persons acting  
20 under the color of state law. *Buchanan-Moore v. Cty. of Milwaukee*, 570 F.3d 824, 827 (7th  
21 Cir. 2009). Although the Due Process Clause of the Fourteenth Amendment prevents the state from  
22 infringing on an individual's right to life, liberty, or property, it does not "impose an affirmative  
23 obligation on the [s]tate to ensure that those interests do not come to harm through other means."  
24 *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 195, 109 S.Ct. 998, 103 L.Ed.2d  
25 249 (1989). The Due Process Clause limits the state's power to act, but does not act "as a  
26 guarantee of certain minimal levels of safety and security." *Id.* at 195, 109 S.Ct. 998. Accordingly,  
27 the Clause generally does not impose upon the state a duty to protect individuals from harm by  
28 private actors. *Id.* at 197, 109 S.Ct. 998. However, two exceptions have grown out of this general  
principle. The first obligates the state to protect individuals with whom it has a "special  
relationship," such as a custodial relationship that cuts off alternative avenues of aid. *Monfils v.  
Taylor*, 165 F.3d 511, 516 (7th Cir. 1998). The other is the "state-created danger exception," which

1 applies when a state actor's conduct "creates, or substantially contributes to the creation of, a  
2 danger or renders citizens more vulnerable to a danger that they otherwise would have been." *Reed*  
3 *v. Gardner*, 986 F.2d 1122, 1126 (7th Cir. 1993) *D.S. v. E. Porter Cnty. Sch. Corp.*, 799 F.3d 793,  
4 798 (7th Cir. 2015). To prevail under a state-created danger theory a Plaintiff "must show three  
5 things: (1) that the state—here, East Porter—by its affirmative acts, created or increased a danger  
6 that D.S. faced; (2) that East Porter's failure to protect D.S. from danger was the proximate cause  
7 of her injury; and (3) that East Porter's failure to protect D.S. shocks the conscience." See *King ex*  
8 *rel. King v. East St. Louis Sch. Dist.* 189,496 F.3d 812, 818 (7th Cir. 2007). *Id* at 798. Ultimately,  
9 "If the state puts a man in a position of danger from private persons and then fails to protect him, it  
10 will not be heard to say that its role was merely passive; it is as much an active tortfeasor as if it  
had thrown him into a snake pit." *Bowers v. DeVito*, 686 F.2d 616, 618 (7th Cir. 1982)

11 Defendants clearly increased the danger of infection to BR when they ended their virtual  
12 learning program and brought him back into Rose Glen Elementary. During parts of the 2019-  
13 2020 and 2020-2021 school years schools within the School District of Waukesha and throughout  
14 Wisconsin were closed and BR and similarly situated students attended school virtually. When  
15 BR and similarly situated students were attending classes virtually from home their risk of  
16 exposure to Covid-19 was limited to exposure from their immediate family, but when the  
17 school districts took the affirmative action of bringing students back to class and by allowing  
18 visitors to enter their schools unmasked and untested they threw BR and other similarly situated  
19 students into a "Covid-19 snake pit" and are now obligated under the Fourteenth Amendment to  
protect them from a Covid-19 infection.

20 Similarly, BR's infection was clearly caused by the Defendants' failure to protect him from  
21 Covid-19. BR was sitting in a classroom with unmasked infected students and then became  
22 infected with Covid-19 himself. This situation was not unique to Defendant and has occurred  
23 thousands of times around the state of Wisconsin and could have likely been avoided through  
24 following the advice of public health officials. See Exhibit 1. The behavior of the Defendants  
25 and many school boards around the state also shocks the conscious. They have each made the  
26 decision during a global pandemic to ignore the guidance of the experts at the Centers for Disease  
27 Control and the Wisconsin Department of Public Instruction and instead unnecessarily expose  
28 children to a deadly infection.

1 As Defendants and similarly situated school boards and school districts have taken actions to  
2 affirmatively increase the danger of Covid-19 infection to Students, are the proximate cause of  
3 Covid-19 infections and are acting in a way that shocks the conscious, Plaintiff will prevail on her  
4 first claim for relief.

5 **ii. Plaintiff's Second Claim for Relief.**

6 Defendants and all similarly situated school districts and school boards owe BR and all  
7 similarly situated students a duty to protect them from Covid-19 under the Fourteenth Amendment  
8 to the Constitution of the United States because of the special relationship that Covid-19 has  
9 created between School Districts and Students. While the courts have been unwilling to find a  
10 special relationship between schools and school children in the past, the Covid-19 pandemic  
11 changes that analysis. "Our court, in dealing with the "special relationship" exception to the  
12 *DeShaney* doctrine, has remained faithful to the Supreme's Court's rationale that this exception  
13 must be grounded in a prior restriction of the individual's liberty that places that person in a danger  
14 that would not have been encountered, at least to the same order of magnitude, in the absence of  
15 the state's action. For instance, in *Ross v. United States*, 910 F.2d 1422 (7th Cir. 1990), the City of  
16 Waukegan was determined to be not liable for failing to save the drowning plaintiff because the  
17 city had no duty to provide rescue services. *Id.* at 1428. By contrast, the claim against Lake  
18 County was reinstated because the plaintiff had alleged that the county had a custom of requiring  
19 officers to prevent unauthorized persons from trying to rescue the drowning. The court  
20 distinguished *DeShaney*, holding that the alleged policy would constitute an active imposition that  
21 put people at harm, not a refusal to provide services." *Kitzman-Kelley ex rel. Kitzman-Kelley v.*  
22 *Warner*, 203 F.3d 454, 458 (7th Cir. 2000). "[w]hen a state actor . . . deprives a person of his  
23 ability to care for himself by incarcerating him, detaining him, or involuntarily committing him, it  
24 assumes an obligation to provide some minimum level of well-being and safety"). The state's  
25 failure to meet this duty of care constitutes a violation of the Due Process Clause of the Fourteenth  
26 Amendment." *Estate of Allen v. City of Rockford*, 349 F.3d 1015, 1019 (7th Cir. 2003). Similarly,  
27 "when "the state has a 'special relationship' with a person, that is, if the state has custody of a  
28 person, thus cutting off alternative avenues of aid." *Id.* . " *Estate of Her v. Hoeppner*, 939 F.3d 872,  
876 (7th Cir. 2019)

29 In the instant case, the Covid-19 pandemic has created a special relationship between the  
30 students and schools, because while the students are only in the custody of the school during the  
31

1 school day, the only individuals capable of protecting them from the Covid-19 infection are the  
2 school district employees. Similarly, during the school day, students do not have the ability to  
3 protect themselves from Covid-19 infection. They can only be protected by an entire collection of  
4 Covid-19 mitigation strategies. See Exhibits 1, 4, and 5. By bringing students into the classroom,  
5 the school districts have effectively cut off all avenues of aid to the students, creating a duty by  
which their school districts must protect them from Covid-19 infections.

The Defendants and similarly situated school districts recklessly breached their duty to protect their students from Covid-19 by refusing to implement the CDC and DPI guidelines and their breach of this duty has resulted in thousands of infections throughout the state of Wisconsin. See Exhibit 1. As such, Plaintiff will prevail on her second claim for relief.

iii. Plaintiff's Third Claim for Relief.

Defendants and all similarly situated school districts and school boards are maintaining a public nuisance by bringing students to school without effective Covid-19 mitigation strategies in place. “A nuisance is an unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others. *State v. Quality Egg Farm, Inc.*, 104 Wis. 2d 506, 517 (Wis. 1981) quoting *Hunter v. McDonald*, 78 Wis.2d 338, 344, 254 N.W.2d 282 (1977) “liability for maintaining a public nuisance can be based on either negligent or intentional conduct that maintains a condition or activity which substantially or unduly interferes with the use of a public place or with the activities of an entire community. Second, both notice and causation, concepts oftentimes reserved for negligence cases, are required to establish liability for maintaining a public nuisance. Third, for the purposes of comparing and apportioning responsibility for the accident, and for determining contribution among culpable parties, we conclude that when all of the elements to establish liability for maintaining a public nuisance are affirmatively proven, a defendant’s failure to abate a public nuisance is analogous to negligence per se.” *Physicians Plus v. Midwest Mut.*, 254 Wis. 2d 77, 101-02 (Wis. 2002).

24 Covid-19 is spreading rampantly through the defendants' school district and similarly situated  
25 school districts throughout the state. See Exhibit 1. The children who are infected at school then  
26 leave the school grounds and head into the community spreading the disease to the general public  
27 interfering with the health and safety of the entire state. The defendants and similarly situated  
28 school boards and districts have been provided with notice in the form of guidance from both the

1 CDC and DPI on how to mitigate the spread of covid-19 throughout their schools. They are  
2 ignoring this guidance and the infection is continuing to spread. See exhibit 1. Defendants and  
3 similarly situated school boards are clearly maintaining a public nuisance and it needs to be  
4 abated. As such, Plaintiff will prevail on her third claim for relief.

5 **b. Plaintiff is Likely to Suffer Irreparable Harm without the Preliminary Injunction.**

6 Defendants' and similarly situated school boards and school districts' failure to protect their  
7 students through the implementation of adequate Covid-19 mitigation strategies, will result in  
8 irreparable injury to the students and community. Covid-19 is a fatal disease and death cannot be  
9 appropriately remedied. See Exhibit 1, 4 and 5.

10 Further, "for some kinds of constitutional violations, irreparable harm is presumed. See 11A  
11 CHARLES ALAN WRIGHT ET ALAN FEDERAL PRACTICE PROCEDURE § 2948.1 (2d ed.  
12 1995) ("When an alleged deprivation of a constitutional right is involved, most courts hold that no  
13 further showing of irreparable injury is necessary.")."*Ezell v. City of Chicago*, 651 F.3d 684, 699  
14 (7th Cir. 2011). And "Unlike monetary injuries, constitutional violations cannot be adequately  
15 remedied through damages and therefore generally constitute irreparable harm. *See Monterey*  
16 *Meek Co. v. Wilson*, 125 F.3d 702, 715 (9th Cir. 1997)" *Nelson v. National Aeronautics*, 530 F.3d  
17 865, 882 (9th Cir. 2008)(reversed on other grounds). Plaintiff has clearly demonstrated that  
18 Defendants and similarly situated school boards and school districts have violated the rights of BR  
19 and similarly situated students under the Fourteenth Amendment to the Constitution of the United  
20 States of America. This showing alone is enough to demonstrate that irreparable harm is not only  
likely, but it has already occurred and is ongoing.

21 **c. The Balance of Equities Tips Towards the Plaintiff**

22 The balance of equities greatly favors the Plaintiffs in this matter. "To obtain a preliminary  
23 injunction , the moving party must show that its case has "some likelihood of success on the  
24 merits" and that it has "no adequate remedy at law and will suffer irreparable harm if a  
25 preliminary injunction is denied."*Ezell v. City of Chicago*,651 F.3d 684, 694 (7th Cir.2011). If the  
26 moving party meets these threshold requirements, the district court "must consider the irreparable  
27 harm that the nonmoving party will suffer if preliminary relief is granted, balancing such harm  
against the irreparable harm the moving party will suffer if relief is denied."*Ty, Inc. v. Jones*

1 *Group, Inc.*,237 F.3d 891, 895 (7th Cir.2001). The district court must also consider the public  
2 interest in granting or denying an injunction .Id. In this balancing of harms conducted by the  
3 district court, the court weighs these factors against one another “in a sliding scale analysis.”  
4 *Christian Legal Soc'y v. Walker*,453 F.3d 853, 859 (7th Cir.2006). “The sliding scale approach is  
5 not mathematical in nature, rather ‘it is more properly characterized as subjective and intuitive,  
6 one which permits district courts to weigh the competing considerations and mold appropriate  
7 relief.’ ” *Ty, Inc.*,237 F.3d at 895–96 (quoting *Abbott Labs. v. Mead Johnson & Co.*,971 F.2d 6, 12  
8 (7th Cir.1992)). Stated another way, the district court “sit[s] as would a chancellor in equity” and  
9 weighs all the factors, “seeking at all times to ‘minimize the costs of being mistaken.’ ” *Abbott  
Labs.*,971 F.2d at 12 (quoting *Am. Hosp. Supply Corp. v. Hosp. Prods. Ltd.*,780 F.2d 589, 593 (7th  
Cir.1986)). *Stuller, Inc. v. Steak N Shake Enters., Inc.*, 695 F.3d 676, 678 (7th Cir. 2012).

11 When the court considers the balance of equities in the matter, the first thing they should  
12 consider is the efficacy of mandatory masking policies and the DPI and CDC guidelines. See  
13 Exhibit 1. Should the Defendants and similarly situated school districts implement these  
14 guidelines its clear that the rates of infection within their schools should decrease.

15 Under a sliding scale analysis, the balance of equities tips towards the Plaintiff. The Plaintiff  
16 has a made a showing that they are likely to succeed on the merits and that without the TRO there  
17 will be irreparable harm in the form of death and the violation of constitutional rights. Whereas  
18 there is no risk of injury to the defendants or similarly situated school boards should the TRO be  
19 put into place, they would merely be following the guidance of the CDC and DPI.

20 **d. It is in the Public Interest that the Court Grant the Preliminary Injunction**

21 Covid-19 is a deadly and infectious disease. See exhibit1. The public has a clear interest in  
22 reducing the spread of Covid-19 within the schools and the community and as such granting this  
23 TRO is within the interest of the public.

24 **e. Bond Should Not Be Required.**

25 FRCP 65(c) requires that “The court may issue a preliminary injunction or a temporary  
26 restraining order only if the movant gives security in an amount that the court considers proper to  
27 pay the costs and damages sustained by any party found to have been wrongfully enjoined or  
28 restrained.” This TRO is exclusively asking for an order mandating students wear masks to class

1 the cost to Defendants should be negligible as most masks would be provided by the students. As  
2 such a bond is unnecessary in this matter.

3 **f. Provisional Class Certification.**

4 Plaintiff is requesting that this court provisionally certify 2 classes for the purposes of this  
5 TRO under Federal Rule of Civil Procedure 23(b)2. Provisional class certification is  
6 appropriate for both a Plaintiff class and Defendant Class because final class certification will  
7 be appropriate in this matter. Class certification is governed by Federal Rule of Civil  
8 Procedure 23. Under Rule 23(a), the party seeking certification must demonstrate, first, that:

9 "(1) the class is so numerous that joinder of all members is impracticable,

10 "(2) there are questions of law or fact common to the class ,

11 "(3) the claims or defenses of the representative parties are typical of the claims or defenses of  
12 the class , and

13 "(4) the representative parties will fairly and adequately protect the interests of the class "  
14 (paragraph breaks added).

15 Second, the proposed class must satisfy at least one of the three requirements listed in Rule  
16 23(b). Respondents rely on Rule 23(b)(2), which applies when "the party opposing the class  
17 has acted or refused to act on grounds that apply generally to the class , so that final injunctive  
18 relief or corresponding declaratory relief is appropriate respecting the class as a whole.

19 Provisional class certification is appropriate in this matter Plaintiff and Defendant classes  
20 satisfy the numerosity, commonality, typicality and adequacy requirements of Rule 23(a). The  
21 Plaintiff Class consists of all public-school K-12 students who have been infected with Covid-19  
22 while at school, this number is believed to be greater than 1000, satisfying the numerosity  
23 requirement. See exhibit 1. The Defendant class consists of school boards, school board members,  
24 superintendents and school districts refusing to implement the face mask requirement  
25 recommended for K-12 Schools by the DPI and CDC satisfying the numerosity requirement.  
26 While Plaintiff has not yet determined this number it is believed to be so great that joinder would  
27 be impractical if not impossible.

1       Similarly, the claims of Shannon Jensen individually, and as next friend of BR share common  
2       questions of law and fact with the claims of the absent members of the Plaintiff class satisfying the  
3       commonality requirement. As the Plaintiff claims are share common questions of law and fact so  
4       do the defenses of the named and absent Defendant class also satisfying the commonality  
5       requirement.

6       The typicality requirement is also satisfied by both the Plaintiff and Defendant classes. the  
7       claims Shannon Jensen individually, and as next friend of BR brings, have a common origin and  
8       share a common basis with the absent class members. Their claims originate from reckless refusal  
9       of both the named and absent school boards and school districts to implement reasonable Covid-  
10      19 mitigation measures. As such, both the Plaintiff and Defendant Classes meets the typicality  
11      requirement.

12      Plaintiff Shannon Jensen is willing and prepared to serve the Court and proposed class in a  
13      representative capacity with all of the obligations and duties material hereto. She will fairly and  
14      adequately protect the interest of the class and has no interests adverse to, or which directly and  
15      irrevocably conflict with, the interests of other members of the class. She has also engaged the  
16      services of counsel indicated below. Said counsel has experience in civil rights and class litigation,  
17      will adequately prosecute this action, and will assert, protect and otherwise well represent the  
18      named class representatives and absent class members.

19      The named Defendants are from a relatively large and wealthy school district and should have  
20      the means to defend this action. Given that the action is exclusively for declaratory and injunctive  
21      relief there should not be any conflict between the named and absent Defendant Class members.  
22      Similarly, this action focuses almost exclusively on questions of law and is not particularly fact  
23      specific, as such if the named Defendants' counsel adequately represents the named Defendants,  
24      they are also adequately representing the class.

25      Further, certification under the Federal Rule of Civil Procedure 23(b)(2) is appropriate in this  
26      matter. Certification under Federal Rule of Civil Procedure 23(b)(2) is appropriate when "the  
27      party opposing the class has acted or refused to act on grounds that apply generally to the class, so  
28      that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as  
      a whole. In this matter all of the parties within the proposed Defendant class have undertaken the  
      same reckless conduct causing the same type of injury to every member of the proposed Plaintiff  
      class. Plaintiffs are also only requesting declaratory and injunctive relief which will apply

1 generally to both classes, so certification under Federal Rule of Civil Procedure 23(b)(2) is  
2 appropriate.

3 **VI. Conclusion**

4 As the Plaintiff is likely to prevail on the merits of the case, there will be irreparable harm  
5 without a temporary restraining order, the balance of the equities favors the Plaintiff and public  
6 policy dictates that a temporary restraining order be put in place, Plaintiff requests a temporary  
7 restraining order, ordering all school districts refusing to enact the Covid-19 mitigation  
8 recommendations of the CDC and DPI to enact a universal mask mandate. While Plaintiff will  
9 eventually be asking for broader injunctive relief, Plaintiff believes that a universal mask mandate  
10 in Wisconsin schools will be a reasonable stop gap measure until this court has the opportunity to  
11 hold a preliminary injunction hearing. See Exhibit 1. In the alternative, Plaintiff would ask for a  
12 temporary restraining order ordering a mask mandate in the Waukesha School District schools.

13 DATED: October 15, 2021  
14

15 By:/s/ Frederick Melms

16 Frederick Melms  
17 Attorney for Plaintiff  
18 Shannon Jensen

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Frederick Melms  
2 6329 Spindrift Foam Ave,  
3 Las Vegas NV, 89139  
4 715-892-3023  
5 fbtmelsesq@gmail.com

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**UNITED STATES DISTRICT COURT**  
**DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN**

BR b/n/f SHANNON JENSEN, on behalf of  
themselves and those similarly situated,

Plaintiff,  
vs.

SCHOOL DISTRICT OF WAUKESHA;  
WAUKESHA BOARD OF EDUCATION;  
JOSEPH COMO JUNIOR; JAMES SEBERT;  
BILL BAUMGART; GREG DEETS;  
PATRICK MCCAFFERY; COREY  
MONTIHO; KELLY PIACSEK; KARIN  
RAJNICEK; AMANDA RODDY; ANTHONY  
ZENOBLA; AND DOES 1-10, on behalf of  
themselves and those similarly situated,

Defendant

Case No.: 2:21-cv-01151-SCD

**DECLARATION OF FREDERICK  
MELMS**

**Declaration of Frederick Melms Pursuant to 28 U.S. Code § 1746**

I, Frederick Melms, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

1. I am the attorney for the Plaintiff in the instant case.
2. Defendants have been provided notice of this action through personal service.
3. Defendants' attorneys electronically filed notices of appearance for this action on

10/14/2021

DECLARATION OF FREDERICK MELMS - 1

1 4. Defendants by and through their attorneys will receive notice of this TRO through the  
2 electronic court filing system.

3 5. Upon filing, I will also provide a copy of the TRO via email to Defendants' attorneys.

4 6. This court should still consider this TRO ex parte due to the danger of inaction outlined  
5 in the motion for the TRO and Exhibit 1 of the TRO.

6  
7  
8  
9 **Executed on October 15, 2021**

10  
11  
12  
13 *Frederick Melms*

14 **Frederick Melms**

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 DECLARATION OF FREDERICK MELMS - 2